

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 14th day of October 2004, at 8:00 P.M., and there were

PRESENT: JEFFREY LEHRBACH, CHAIRMAN

JOHN ABRAHAM, JR. MEMBER

RICHARD QUINN, MEMBER

ARLIE SCHWAN, MEMBER

ROBERT THILL, MEMBER

ABSENT: ANTHONY ESPOSITO, MEMBER

WILLIAM MARYNIEWSKI, MEMBER

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK

JOHN DUDZIAK, DEPUTY TOWN ATTORNEY

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF KATHLEEN MAJCHRZAK & PATRICIA BUCKLEY:

THE 1st CASE TO BE CONSIDERED BY THE Zoning Board of Appeals is that of the petition of Kathleen Majchrzak and Patricia Buckley, 22 Steinfeldt Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing an addition to a garage on premises owned by the petitioners at 22 Steinfeldt Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster. The location of the proposed garage addition would result in a north side yard of 7 feet six inches [7',6"].

Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster requires a nine foot [9'] north side yard. The petitioners, therefore, request a north side yard variance of one foot six inches [1',6"].

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Patricia Buckley, petitioner
22 Steinfeldt Road
Lancaster, New York 14086

Proponent

Upchurch Construction, contractor for the petitioner
6 Heather Road
Cheektowaga, New York 14225

Proponent

**IN THE MATTER OF THE PETITION OF KATHLEEN MAJCHRZAK AND
PATRICIA BUKLEY**

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. QUINN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Kathleen Majchrzak and Patricia Buckley and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of October 2004, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicants are the present owners of the premises in question.

That the property for which the applicants are petitioning is within a Residential District 1, (R1) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential District 1, (R1) as specified in Chapter 50 of the Code of the Town of Lancaster.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That there exist numerous other residences in this neighborhood with two car garages.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; drainage concerns will be mitigated by the installation of drain tiles.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- Storm water drainage be directed toward the back yard.
- Design is restricted to design drawings submitted at the meeting of October 14, 2004.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	WAS ABSENT
MR. MARYNIEWSKI	WAS ABSENT
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

October 14, 2004

PETITION OF TIMOTHY & CARLY SPEYER:

THE 2nd CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of Timothy and Carly Speyer, 1 Cloverfield Court, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a six [6] foot high fence in a required open space area on premises owned by the petitioners at 1 Cloverfield Court, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Cloverfield Court with an exterior side yard [considered a front yard equivalent] fronting on Bridlepath Lane. The petitioners propose to erect a six [6] foot high fence within the required open space area of the exterior side yard fronting on Bridlepath Lane.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioners, therefore, request a three [3] foot fence height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Carly Speyer, petitioner
1 Cloverfield Court
Lancaster, New York 14086

Proponent

Timothy Speyer, petitioner
1 Cloverfield Court
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF TIMOTHY & CARLY SPEYER

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. ABRAHAM
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Timothy & Carly Speyer and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of October 2004, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicants are the present owners of the premises in question.

That the property for which the applicants are petitioning is within a Residential District 1, (R1) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential District 1, (R1) as specified in Chapter 50 of the Code of the Town of Lancaster.

That the character of the neighborhood, namely the Pheasant Run Subdivision, is such that there are twelve fences existing in exterior side yards on corner yards.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit of privacy and securing of dog sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial, however does not preclude granting of the variance.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That the petitioner has mitigated any impact by moving the fence back from the road.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That the north east corner of the proposed fence as viewed from Bridlepath Lane be changed from the proposed 90 degree angle to a 45+(-) degree angle in order to mitigate the site line interruption of persons approaching the south east corner of Cloverfield Court and Bridlepath Lane and to generally improve the aesthetic appearance of the fence by eliminating the harsh 90 degree corner visible from Cloverfield Court and Bridlepath Lane.
- That if at a future date the existing hedge row on the south side of the property is removed or dies and is not replaced, then the owner of record at that time shall reconfigure the 90 degree corner of the fence so that the south east corner of the fence as viewed from Bridlepath Lane be changed from the 90 degree angle to a 45 degree angle in order to mitigate the site line interruption of persons exiting the front door of the residence at 10 Bridlepath Lane and to generally improve the aesthetic appearance of the fence by eliminating the harsh 90 degree corner visible from Bridlepath Lane and from the residence next door.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	WAS ABSENT
MR. MARYNIEWSKI	WAS ABSENT
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

October 14, 2004

PETITION OF KAZIMIERA ZANGEL:

THE 3rd CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of Kazimiera Zangel, 28 Taft Avenue, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a detached garage on premises owned by the petitioner at 28 Taft Avenue, Lancaster, New York. This dwelling is identified on the tax map of the Town of Lancaster as SBL #104.07-5-13 with a property location of 26 Taft Avenue.

- A. A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster. The proposed garage is to be three feet [3'] from the east side yard lot line.

Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster requires a five foot east side yard lot line set back for an accessory structure. The petitioner, therefore, requests a two foot [2'] east side yard lot line set back variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster. The proposed garage is to be located seven feet [7'] from the dwelling.

Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster requires an accessory structure to be located ten [10'] feet from any other structure. The petitioner, therefore, requests a three foot [3'] variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Don Cody, representing the petitioner
28 Taft Avenue
Lancaster, New York 14086

Proponent

Victor Majetich - owns property at 42 Taft Avenue
10 Irwinwood
Lancaster, New York 14086

Questions

IN THE MATTER OF THE PETITION OF KAZIMIERA ZANGEL

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. SCHWAN, WHO MOVED ITS
ADOPTION, SECONDED BY MR. QUINN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Kazimiera Zangel and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of October 2004, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicant is the present owner of the premises in question.

That the property for which the applicant is petitioning is within a Residential District 1, (R1) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential District 1, (R1) as specified in Chapter 50 of the Code of the Town of Lancaster.

That the neighbor to the east has no objections to the granting of the variances.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That the garage be fireproofed according to the Building Code of the Town of Lancaster.
- That the existing shed be demolished or moved at least ten feet from the garage upon completion of the new garage.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	WAS ABSENT
MR. MARYNIEWSKI	WAS ABSENT
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variances was thereupon **ADOPTED**.

October 14, 2004

PETITION OF CAROLYN HAIST:

THE 4th CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of Carolyn M. Haist, 53 William Kidder Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a single family dwelling on premises owned by the petitioner at 53 William Kidder Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9C.(3)(a) of the Code of the Town of Lancaster. The proposed dwelling will result in a thirty two foot [32'] front yard set back.

Chapter 50, Zoning, Section 9C.(3)(a) of the Code of the Town of Lancaster requires a sixty foot [60'] front yard set back. The petitioner, therefore, requests a twenty eight foot [28'] front yard set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Patty Haist, representing the petitioner
65 William Kidder Road
Lancaster, New York 14086

Proponent

Carolyn Haist, petitioner
53 William Kidder Road
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF CAROLYN HAIST

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. ABRAHAM, WHO MOVED ITS
ADOPTION, SECONDED BY MR. QUINN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Carolyn Haist and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of October 2004, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicant is the present owner of the premises in question.

That the property for which the applicant is petitioning is within a Agricultural Residential District, (AR) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Agricultural Residential District, (AR) as specified in Chapter 50 of the Code of the Town of Lancaster.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial, however the proposed dwelling will be situated farther from the right of way than the existing dwelling.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

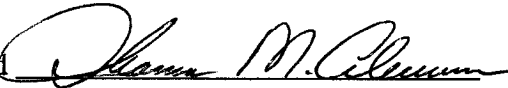
MR. ABRAHAM	VOTED YES
MR. ESPOSITO	WAS ABSENT
MR. MARYNIEWSKI	WAS ABSENT
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

October 14, 2004

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 9:05 P.M.

Signed

A handwritten signature in cursive script, appearing to read "Johanna M. Coleman", written over a horizontal line.

Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: October 14, 2004